



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

DATE: JUNE 12, 2014

PREPARED BY: [REDACTED]

CASE #: OC-DE-2010-ADM-0567

CROSS REFERENCE #:

TITLE: [REDACTED]

CASE CLOSING REPORT

Subject(s)	Location	Other Data
[REDACTED]	EPA REGION [REDACTED]	

VIOLATION(S):

- Title 18 U.S.C. Section 1001 – False Statements.
- Title 18 U.S.C. Section 1505 – Obstruction of Proceedings before Departments/Agencies.
- Title 18 U.S.C. Section 1519 – Destruction or Alteration of Records in Federal Investigations and Bankruptcy.
- Title 18 U.S.C. Section 2071 – Concealment, Removal or Mutilation Generally.
- EPA POLICY 3120.1(16), deliberate misrepresentation, falsification, concealment or withholding of a material fact.
- EPA POLICY 3120.1(22), negligent performance of duties.

ALLEGATIONS: It was alleged that [REDACTED] violated the Freedom of Information Act (FOIA), the Federal Records Act (FRA), and the Administrative Procedures Act (APA) by deleting emails - to include attached documents and directed other EPA employees to delete emails pertaining to a superfund site.

FINDINGS: This investigation revealed that [REDACTED] deleted emails, to include attached documents, and directed other EPA employees to delete emails pertaining to a superfund Site. During [REDACTED] interview, [REDACTED] admitted that [REDACTED] deleted emails and instructed other EPA employees to delete emails. [REDACTED] stated [REDACTED] did not attempt to hide [REDACTED] actions in any way. [REDACTED] had, after originating an email or sending an email in a chain, regularly advised employees at the EPA that

they should destroy, delete, and/or otherwise eliminate certain documents which were circulated among the superfund site team members. [REDACTED] reiterated that it was not [REDACTED] intent to hide the practice of deleting emails nor had [REDACTED] ever denied it. [REDACTED] stated during [REDACTED] interview that [REDACTED] ability to delete documents at any time prior to any FOIA or legal request was consistent with [REDACTED] understanding and the discussions [REDACTED] had with [REDACTED] immediate supervisor, [REDACTED] and EPA counsel, [REDACTED]. [REDACTED] stated [REDACTED] never received any formalized FOIA training reference on what should be retained or could be deleted. [REDACTED] stated that [REDACTED] as well as other EPA employees, had the ability to determine what was a record or a non-record.

DISPOSITION: On July 29, 2013, Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA) provided a Report of Investigation (ROI) to [REDACTED] Regional Administrator, Region [REDACTED] EPA. The results of the ROI led Region [REDACTED] to issue a "proposal for removal from federal service" to [REDACTED]. On [REDACTED] 2014 [REDACTED] [REDACTED] retired from federal service, prior to a decision being issued on that removal. Furthermore, on [REDACTED], 2014, [REDACTED], Region [REDACTED] EPA sent an email with the attached SF-52 verifying [REDACTED] retirement action.

This case is being closed with no further action.